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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/374,129      | 08/09/1999  | HIROHITO KIRIKOSHI   | H9876.0036/P        | 3352             |

24998 7590 10/06/2003

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| EXAMINER |
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GURSHMAN, GRIGORY

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| ART UNIT | PAPER NUMBER |
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2132

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/374,129

Applicant(s)

KIRIKOSHI ET AL.

Examiner

Grigory Gurshman

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 60 4) ☒ Claim(s) 1, 48-52, 54-68, 71, and 72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 48-52, 54-68, 71-72 is/are rejected.
- 7) ☒ Claim(s) 53-69, 70-71 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 25
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 48-52, 54-68, 71 -72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mu (U.S. Patent No. 5,343,524) in view of Asai (U.S. Patent No. Re.35,839).

3. Referring to the instant claims Mu discloses an intelligent security device (see abstract). Mu teaches the use of a hardware device, containing a microprocessor, attached to a serial port. This device contains some of the software needed to operate the program. The program running in the computer system, to which the hardware device is attached sends a security code to the hardware device. The hardware device then decrypts its internal software needed to interpret the security code and decrypts a security code within the hardware device and compares the two codes with the internal software. If codes match, the hardware device sends some software to the computer system. This software is inserted into the program, which enables operation of the program. Mu also makes provision for two security codes to be used, one from the software creator, and one that is set by the user to allow only the specific user to operate the program (see abstract and column 14, lines 5-55).

The limitation “a peripheral apparatus constructed so as to transmit data for executing the program to the information processing apparatus in response to an input operation in the peripheral apparatus” is met by the hardware device, which sends the software to the computer (i.e. information processing apparatus) upon receiving the security code from the computer. The limitation “a security code that has been set is stored in the peripheral apparatus” is met by the security code of the software stored on the hardware device. The limitation “ the first security code... supplied from the information processing apparatus to the peripheral apparatus, is compared with the second security code to judge whether the codes coincide with each other or not...” is met by the hardware device which interprets the security code and decrypts a security code within the hardware device and compares the two codes with the internal software (see Fig 1, blocks 172, 164, 174 and column 14, lines 47-51). Mu, however does not explicitly teach the use of a recording medium, in which a first security code is stored. Mu also does not teach an information processing apparatus, which reads the security code from the recording medium. Asai discloses a CD-ROM disk and security check method (see abstract). Asai teaches a CD-ROM disk with the security code recorded in it (see abstract and column 1, lines 53-54), which meets the limitation “a recording medium in which a first security code is stored”. The security code includes a program to be executed after check of the security code (see column 1, lines 56-57), which meets the limitation “... execute a program read from the recording medium...”. The security code is read into the boot sector of the computer (Fig 1, b) , i.e. “information processing apparatus” recited in the instant claims. Therefor at the time the invention was made, it

would have been obvious to one of ordinary skill in the art to send a security code from the computer (information processing apparatus) to the hardware device (peripheral apparatus) of Mu and have this security code read from the CD-ROM disc (recording medium) as taught in Asai. One of ordinary skill in the art would have been motivated to to send a security code from the information processing apparatus to the peripheral apparatus and have this security code read from the recording medium as taught in Asai for executing the program contained in the security code and making sure that the disc is duly licensed (see Asai, column 2, lines 12-15).

4. Referring to claims 50, 51, 58, 59, Mu teaches that signal processing is stopped when security codes do not coincide with each other and continued when the codes match (see Fig 1, block 164). Block 54 stops signal processing and invokes ISD subroutine (170) if codes do not match and continues if codes do match.

5. Referring to claims 52, 55 and 60, Mu teaches that when first and second security codes coincide (match) the third security code is transmitted. The third and forth security codes are met by write pass code (Fig.1, block 174) and missing code (see Fig. 1, 184) accordingly.

6. Referring to claim 63, 67 and 72 , the limitation "... comparison of the security codes is executed at predetermined time intervals..." is met by the system clock providing an operating clock pulse for operation of the microprocessor (see column 7, lines 29-31). The microprocessor belongs to the peripheral devise, where comparison takes place.

7. Claims 53,69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mu (U.S. Patent No. 5,343,524) in view of Asai (U.S. Patent No. Re.35,839) and further in view of Iizuka (U.S. Patent No. 5,544,083).

8. Referring to the instant claims Mu and Asai teach the use of a hardware device, containing a microprocessor, attached to a serial port. This device contains some of the software needed to operate the program. The program running in the computer system, to which the hardware device is attached sends a security code to the hardware device. If codes match, the hardware device sends some software to the computer system. Mu and Asai also teach a CD-ROM disk with the security code recorded in it. The security code includes a program to be executed after check of the security code (see Asai, column 1, lines 56-57). The security code includes a program to be executed after check of the security code (see column 1, lines 56-57). Mu and Asai, however, do not teach a pen type object positioned at the predetermined location to determine the instruction in the program. Iizuka discloses a password management method and apparatus (see abstract). Iizuka teaches the pen input type computer system (see column 7, lines 36-37). Iizuka teaches the use of a tablet (64 in Fig. 5). Iizuka teaches that the user touches the set up menu with the pen, the window is displayed (see column 8, lines 48-52 and Fig. 8A). Then the password (i.e. security code) is input.

Therefore, at the time the invention was made, it would have been obvious to modify the system of Mu and Asai by adding a tablet with the pen type object so the position of the pen on a menu (picture book) would determine the instruction of the program to be run as taught in Iizuka. One of ordinary skill in the art would have been motivated to modify

the system of Mu and Asai by adding a tablet with the pen type object so the position of the pen on a menu (picture book) would determine the instruction of the program to be run as taught in Iizuka for registering the password (see Iizuka column 8, lines 50-51).

**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


U.S. Patent No. 5,119,293 to Hammond

U.S. Patent No. 5,243,174 to Veeneman et al.

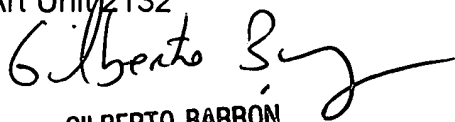
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (703) 306-2900. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

GG  


Grigory Gurshman  
Examiner  
Art Unit 2132

  
GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100